

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ANDREW MCGRAW

PETITIONER

V.

CIVIL ACTION NO. 3:24-CV-352-DPJ-MTP

BRAND HUFFMAN

RESPONDENT

ORDER

On June 5, 2025, United States Magistrate Judge Michael T. Parker entered a Report and Recommendation [14] recommending that the Court grant Respondents motion to dismiss [13] and dismiss this 28 U.S.C. § 2254 habeas case with prejudice as time barred. After the R&R was entered, McGraw filed an untimely response [13] to the motion to dismiss. He then filed an objection [16] to the R&R. But because of McGraw's pro se status, Judge Parker withdrew the R&R to consider McGraw's response to the motion to dismiss. *See* Order [17].

Judge Parker entered an Amended R&R on June 26, 2026, addressing McGraw's arguments in his response. And Judge Parker again recommended that the Court grant Respondents Motion to Dismiss [13] and dismiss the Petition with prejudice as untimely. *See* Am. R&R [18] at 1. McGraw had until July 10, 2025, to object to Judge Parker's recommendation, but he did not file an objection, and the time for him to do so has passed.¹

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) advisory committee's note (1983), *quoted in Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc), *superseded on other grounds by* 28 U.S.C. § 636(b)(1) *as*

¹ Although McGraw objected to the original R&R, that objection became moot once the original R&R was withdrawn. *See* Am. R&R [18] at 4 n.7.

noted in Alexander v. Verizon Wireless Servs., L.L.C., 875 F.3d 243, 248 (5th Cir. 2017). Finding no clear error, the Court accepts the well-reasoned recommendation of the Magistrate Judge.

IT IS ORDERED that the Amended Report and Recommendation [18] of United States Magistrate Judge Michael T. Parker is adopted as the finding and holding of this Court.

Respondent's motion to dismiss [13] is granted; the petition is dismissed with prejudice.

A separate judgment will be entered as required by Federal Rule of Civil Procedure 58.

SO ORDERED AND ADJUDGED this the 17th day of July, 2025.

s/ Daniel P. Jordan III

UNITED STATES DISTRICT JUDGE